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July 28, 2005

Mr. Jim Hogan  
Office of Freedom of Information  
and Security Review  
U.S. Department of Defense  
1155 Defense Pentagon  
Washington, DC 20301-1155

**Re: Response to Request for Clarification and Adjustment of Freedom of Information Act Inquiry**

Dear Mr. Hogan:

Thank you for your July 15, 2005 phone call in response to a letter that I and 51 of my colleagues wrote to you on June 30, 2005 requesting information under the Freedom of Information Act, 5 U.S.C. § 552.

As stated in our original letter, we submitted our initial request after reading leaked memoranda from Great Britain that indicated the United States and the United Kingdom may have engaged in communications over the use of Iraqi intelligence, the existence of weapons of mass destruction, and potential military action in Iraq throughout the summer of 2002. This is alleged to have occurred long before the Administration sought Congressional authority to engage in such military action. We had hoped that through the Freedom of Information Act, we could gain a clear understanding of the scope of the Bush Administration's internal conversations, the diplomatic and military options the Bush Administration considered during the summer of 2002, and the precise timing of such discussions and deliberations.

I understand from my staff that you consider the scope of the requested documents and records overbroad and unmanageable. While I would be glad to refine

our request in order to accommodate your efforts to respond, I hope your office will still exercise due diligence in its efforts to fulfill the spirit of our initial request, which was designed to gain a clearer understanding of the process through which the Bush Administration proceeded throughout the lead-up to the war in Iraq.

As we requested in our letter of June 30, 2005, we seek the release of all agency records, including but not limited to handwritten notes, formal correspondence, electronic mail messages, intelligence reports, and other memoranda relating to the requested material. We have, however, attempted to narrow our request to accommodate your search of Administration documents and records. Please find listed in the numbered paragraphs below our initial request, along with an updated request provided in italics, where applicable:

1. All original statements, documents, press releases, and the like, and copies of the same, publicly issued, or available related to the lead-up to military action in Iraq, beginning with President Bush's transition into office in 2000 through the present.
  - *No clarification or adjustment has been requested related to this paragraph.*
2. All original documents, and copies of the same, as well as statements related to the subject matter of the Downing Street Minutes of July 23, 2002 and all similar and related memoranda.
  - *Briefing documents and materials prepared between January 2001 and October 16, 2002 for the President, Vice President, Secretary of State, Deputy Secretary of State, National Security Advisor, Secretary of Defense, Deputy Secretary of Defense, and each of their delegates and other Bush Administration officials, for meetings with British Prime Minister Tony Blair, MI-6 director Sir Richard Dearlove, national security advisor David Manning, Foreign and Commonwealth Office Political Director Peter Ricketts, Legal Advisor Jack Straw, Cabinet Secretary Sir Richard Wilson, Joint Intelligence Committee Chairman John Scarlett, former Government Communications Headquarters Director Francis Richards, Chief of Staff Jonathan Powell, Director of Government Relations Sally Morgan, former Communications Director Alastair Campbell, Defence Secretary Geoff Hoon, on (1) the presence of weapons of mass destruction; (2) the threat posed by Saddam Hussein and the Iraqi regime; (3) the deliberation of strategic considerations relating to the presentation of intelligence findings to officials of foreign governmental entities; (4) the deliberation of strategic considerations relating to the presentation of intelligence findings to the United Nations; (5) the legal basis and justification for military action; and (6) the securing of oil fields in the event of invasion, as well as any minutes, handwritten notes, or summary documents prepared from such meetings.*

3. All records regarding the collection and analysis of intelligence related to Iraq and to whether it possessed weapons of mass destruction, the type of weapons of mass destruction Iraq possessed, and any ties between Iraq and al Qaeda for the last ten years, i.e., January 1, 1995 to the date of issuance of the records in response to this request.
  - *Documents, records, pamphlets, manuals, and the like, and copies of the same, prescribing methods for synthesizing collected intelligence for the last ten years, i.e., January 1, 1995 to the date of issuance of the records in response to this request.*
  - *Documents, records, pamphlets, manuals, and the like, and copies of the same, communicating to non-intelligence officials the prescribed methods that intelligence officials employ in synthesizing collected intelligence for the last ten years, i.e., January 1, 1995 to the date of issuance of the records in response to this request.*
  - *Documents or records presenting the final analysis of collected intelligence, excluding raw data without any accompanying analysis, for the last ten years, i.e., January 1, 1995 to the date of issuance of the records in response to this request.*
4. All records relating to the planning and preparation for military action in Iraq available in any and all entities of the Executive Branch of United States Government for the period from January 1, 1995 to October 16, 2002.
  - *No specific clarification or adjustment has been requested related to this paragraph; however, I understand that you have communicated to my staff the perceived difficulty in responding to this paragraph based on your position that the Executive Office of the President consistently plans for military action for myriad contingencies. In an effort to refine this request to one that is more manageable, please narrow the above request to the following: Please provide memoranda, electronic and written correspondence, and briefing documents prepared for the President, the Chief of Staff to the President, the Vice President, the Chief of Staff to the Vice President, the Secretary of Defense, the Chief of Staff to the Secretary of Defense, the Deputy Secretary of Defense, the National Security Advisor, and the Chief of Staff to the National Security Advisor and each of their surrogates and delegates, related to the initiation of military action in Iraq in 2002, and any justification offered for the initiation of such action occurring on a designated date between January 20, 2001 through October 16, 2002. Responsive information may exclude technical information relating to the size and composition of fleet and military personnel.*
5. All records relating to sorties flown over Iraq in which bombs were dropped and to the selection of targets for the dropping of such bombs for the period from

January 1, 1995 to October 16, 2002.

- *I understand from your conversation with my staff that much of the documentation requested in this paragraph will be highly technical relating to type of aircraft used, the estimated damage, and the overall likelihood of the mission's success. To facilitate your efforts to comply with our request, I would like to refine this paragraph to request all documents and records that articulate the stated mission of sorties flown over Iraq in which bombs were dropped; identify how targets were selected for the dropping of such bombs; and/or provide the overall objective of the series of those sorties for the period from January 20, 2001 to October 16, 2002. Responsive information may exclude technical information relating to the size and composition of fleet and military personnel.*

Please include all applicable records which are:

- held by constituent entities of the agency,
- incorporated into the agency's files and read by the agency, or
- held by entities within the Executive Office of the President and not otherwise protected from disclosure by the Presidential Records Act.

We reiterate our request for a waiver of fees under 5 U.S.C. § 552(a)(4)(A)(iii) as previously articulated in our letter of June 30, 2005.

Also, as was the case with our initial request, please be assured that the Members of Congress filing this request recognize that several of FOIA's exemptions relating to the protection of national security interests and the government's deliberative processes may be found pertinent. Insofar as you feel these exemptions or criterion do apply, we respectfully request that you only redact sensitive information and still provide responsive memoranda, correspondence and other documentation in redacted form. This should include any e-mail correspondence as well, including the disclosure of the identities of correspondents, the mailing date for said correspondence, and the message's subject line, wherever possible. Similarly, because the national security exemption only protects information whose disclosure would impair national security, we expect any documentation containing intelligence now publicly known to be released in its original form or redacted only as necessary to protect the disclosure of information still falling within the appropriate FOIA exemption.

If our request is denied in whole or in part, we ask that you justify all deletions, omissions, or denials by reference to specific exemptions of the FOIA. We expect you to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. As you know, FOIA provides that even if some requested material is properly exempt from mandatory disclosure, all segregable portions of the same must be released. 5 U.S.C. § 552(b).

Mr. Jim Hogan

Page 5

July 28, 2005

In addition, we ask that you exercise your discretion to release information that may be technically exempt but where withholding would serve no important public interest.

If the requested records are not in the possession of your agency or office, we ask that you forward this request to any agency you believe may have the records that are responsive to this request. In the alternative, we ask that you inform us of other departments, offices or agencies that may have such records, to the extent of your office's knowledge.

If you have any questions regarding this request, please telephone Stacey Dansky of the House Judiciary Committee staff at (202) 225-6906. I am confident that the clarification and adjustment we have made to our initial request will better accommodate your filing system and allow you to expedite this search.

We look forward to your reply to this adjusted request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you in advance for your continued attention and response to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Conyers, Jr.", with a large, stylized flourish extending from the bottom right.

John Conyers, Jr.  
Ranking Member